



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Board of Boiler Rules (Department of Labor and Industries)

- ☒ **Preproposal Statement of Inquiry** was filed as WSR 08-03-130 ; or  
☐ **Expedited Rule Making--Proposed notice** was filed as WSR \_\_\_\_\_; or  
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**  
☐ **Supplemental Notice to WSR** \_\_\_\_\_  
☐ **Continuance of WSR** \_\_\_\_\_

**Title of rule and other identifying information:** Board of Boiler Rules – Substantive (Chapter 296-104 WAC)

**Hearing location(s):**  
 Department of Labor and Industries  
 950 Broadway, Suite 200  
 Tacoma, Washington

**Date:** May 14, 2008 **Time:** 10:00 am

**Submit written comments to:**

**Name:** Sally Elliott  
**Department of Labor and Industries**  
**Address:** Post Office Box 44400  
 Olympia, Washington 98504-4400  
**e-mail** yous235@lni.wa.gov  
**fax** (360) 902-5292 by 5:00 pm on May 14, 2008

**Assistance for persons with disabilities:** Contact

Sally Elliott by April 15, 2008

yous235@lni.wa.gov or (360) 902-6411

**Date of intended adoption:** May 20, 2008  
 (Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rulemaking is to make clarification and technical changes to the Board of Boiler Rules – Substantive (chapter 296-104 WAC) based on actions and requests of the Board of Boiler Rules. The changes include:

- Removing the Board's responsibilities for National Board (NB) exams and allowing the Boiler Chief to accept applications for Board approved criteria.
- Extending the periods between boiler internal inspections to companies with Owner/User Inspection Programs.
- Revisions to lower pressure boiler and pool heaters.
- A 5.53% fee increase, which is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2008 as approved by the Legislature. The fee increase will help cover the cost of the ongoing services for the Boiler program.
- Housekeeping and reference changes.

**Reasons supporting proposal:** See purpose statement.

**Statutory authority for adoption:** RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350

**Statute being implemented:** Chapter 70.79 RCW

**Is rule necessary because of a:**

Federal Law? ☐ Yes ☒ No  
 Federal Court Decision? ☐ Yes ☒ No  
 State Court Decision? ☐ Yes ☒ No  
 If yes, CITATION:

**DATE**  
 April 1, 2008

**NAME** (type or print)  
 Steven Bacon

**SIGNATURE**

*Steven E. Bacon*

**TITLE**  
 Chair, Board of Boiler Rules

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED**

**DATE:** April 01, 2008  
**TIME:** 8:21 AM

**WSR 08-08-076**

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Board of Boiler Rules

- ☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Board of Boiler Rules	Tumwater, Washington	(360) 902-5270
Implementation....Linda Williamson	Tumwater, Washington	(360) 902-5270
Enforcement..... Linda Williamson	Tumwater, Washington	(360) 902-5270

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

The Board of Boiler Rules has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business or contractor and/or they are exempted by law [see RCW 19.85.025 referencing RCW 34.05.310 (4)] from the small business economic impact requirements. The fees are exempt from the small business economic impact statement under RCW 34.05.328(5)(b)(vi).

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain:

A cost-benefit analysis was not prepared because the costs associated with the proposed changes are exempted by law since the proposed changes are updating the rule for clarification [see RCW 19.85.025 referencing RCW 34.05.310 (4) and RCW 34.05.328(5)(b)(vi)].